

Thank you for your willingness to participate in the upcoming CANUSLANT 2002 exercise which will be held June 25-27, 2002, at the Algonquin Hotel in St. Andrews, New Brunswick. As has been indicated in previous communications about this exercise, the format for CANUSLANT 2002 will consist of a tabletop exercise, followed by a series of facilitated breakout sessions focusing on a series of issues identified as priorities by the U.S./Canadian Joint Response Team for the Atlantic Region.

The purpose of this email is to provide you the following three items:

- 1) Your issue group assignment for the breakout portion of the exercise.
- 2) Background papers on the priority issues developed by the exercise design team members.
- 3) An updated schedule for exercise participants

For the purpose of the breakout sessions, you have been assigned to the Joint Response Team issues group. The specific discussion papers for that issues group are attached to this e-mail. If you feel that you would be better assigned to another issues group, please let me know. Also, if there is an issue that you feel is of great importance and is not included in the discussion papers, please prepare an outline of this issue in the format provided and e-mail it to me. We will then try to add it to the group discussions during the exercise.

Attached are the issue papers for your assigned issues group as well as an exercise schedule for CANUSLANT 2002. Please note that the times on the agenda are in Atlantic time (one hour ahead of Eastern Time).

- [Emergency Response Compact issue](#)
- [Customs and Immigration issue](#)
- [Government contracting of Response Organization issue](#)
- [Salvage and Jones Act issue](#)
- [Wildlife Response issue](#)
- [Revised CANUSLANT 2002 Schedule of Events](#)

If you have any questions concerning the exercise or your participation, please do not hesitate to contact me by phone at 902-426-6035 or by email at SpicerG@mar.dfo-mpo.gc.ca. You may also contact Lieutenant Commander Joseph Gleason (USCG) by phone at 617-223-8586 or by email at jgleason@d1.uscg.mil.

Thank you again for participating in CANUSLANT. We look forward to an excellent exercise.

Sincerely,

Garnet L. Spicer
A/Regional Exercise Officer
Rescue, Safety & Environmental Response
Coast Guard Maritimes
Phone: (902) 426-6035
Cell: 499-2621
Fax: 426-0711
Email: spicerg@mar.dfo-mpo.gc.ca

CANUSLANT 2002

June 25 - 27, 2002

St. Andrews, New Brunswick

Issue Paper

Topic

Potential for use of Compact and emergency authorities in spill response.

Assigned Discussion Group

Joint Response Team

Issue

A Compact has been promulgated between northeastern states and provinces to facilitate mutual aid in emergency response. States/provinces have their own emergency procedures, not typically invoked for oil spills that can contribute to spill response.

1. Is the Compact a helpful tool for environmental emergencies? What resources might be shared among states and provinces during a spill?
2. Do states of emergencies allow existing leadership, funding mechanisms, and other important tenets of environmental response?
3. If yes to the above, should the plan document emergency authorities and procedures?

Background

A compact was implemented in 2000 between the New England states and Atlantic provinces to facilitate mutual assistance, as well as non-emergency planning and exercises. A declaration of emergency was used by New Brunswick during CANUSLANT 1999 to facilitate use of an Oil Spill Response Organization. Neither the compact nor other state/provincial emergency authorities are documented in the CANUSLANT Geographic Annex. If use of such authorities or the compact are beneficial to transboundary responses, procedures should be developed for the CANUSLANT Geographic Annex. The exercise report recognized the CANUSLANT 1999 as only a short-term solution for emergency phase liability/immunity issues. Since the last exercise the regional provinces and states have also entered into an International Emergency Management Assistance Memorandum of Understanding (called the compact, available at http://www.scics.gc.ca/cinfo00/85007918_e.html), This provides for mutual aid, recognition of licenses, liability protections, delivery of services, and other functions as requested during emergencies or disasters, including technological hazards.

Environmental response communities in the U.S. and Canada coordinate with emergency management authorities, but oil spills do not typically engage emergency management authorities as distinct plans, funds, and leadership mechanisms exists for environmental emergencies and cleanup and funding are primarily issues of the polluter/responsible party. Further consideration can determine if the geographic annex should include any information on emergency authorities and the compact.

Design Team Point of Contact

Name: Scott Lundgren, USCG D1 Phone: 617-223-8434 Email:Slundgren@d1.uscg.mil

CANUSLANT 2002

June 25 - 27, 2002

St. Andrews, New Brunswick

Issue Paper

Topic

Customs and Immigration

Assigned Discussion Group

Joint Response Team Issues Group

Issue

Changes to Customs and Immigration procedures since the September 11th, 2001 terrorist attacks need to be captured in the CANUSLANT Geographic Annex.

1. Has the authority of Area Port Directors to expedite procedures in rescue/emergency situations changed?
2. At what levels can procedures be expedited during a spill?
3. How must the plan change to reflect present realities?

Background

The CANUSLANT Geographic Supplement was written prior to September 11th and following security measures. The customs and immigration sections rely on the authority of local port directors, given notification and equipment/personnel lists and forms as detailed in the CANUSLANT Geographic Annex, to expedite procedures during emergencies under emergency authority in the following laws, regulations, or procedures:

- U.S. Customs, 19 USC 1322(b) for firefighting, rescue, and relief equipment
- U.S. INS, Section 212(d)(3) of the Immigration and Nationality Act
- Revenue Canada "Goods for Emergency Use Remission Order", 3/98
- Employment and Immigration Canada Section 19(1)(j) of the Canada Immigration Act allowing admission as visitors

Any additional laws, regulations, or changes in procedures since the 1999 update of the plan must be documented. Changes are likely following the September 11th terrorist attacks. Additionally, the Emergency Authorities (states of emergency) may offer solutions in this area if it may be utilized while maintaining other aspects of the response structure as it is defined under the Joint Marine Pollution Contingency Plan and the CANUSLANT Geographic Annex.

Design Team Point of Contact

Name: Scott Lundgren, USCG D1 Phone: 617-223-8434 Email:Slundgren@d1.uscg.mil

CANUSLANT 2002

June 25 - 27, 2002

St. Andrews, New Brunswick

REVISED Issue Paper

Topic

Government Contracting for Spill Response

Assigned Discussion Group

Joint Response Team

Issue

1. What concerns prevent the Response Organizations from signing government contracts? Can these be overcome?
2. How can we move beyond this stumbling block to implement the spirit of the Regime which is government and industry working in partnership to ensure our marine environment is protected?
3. Are there lessons we can learn from experiences in the United States?

Background

Canadian Government contracting regulations require at least three quotes for purchased goods and services and require the supplier to sign a government contract. Canadian Response Organizations have stated that purchasers of their services must sign their company's contracts and have refused to sign the government contract. A national policy developed for Environmental Response commits the branch to only hiring certified Response Organizations for oil spill clean up. This policy appears to be in conflict with government contracting regulations. What is a workable resolution to this situation? In the event of major spill, which requires invoking of the International Joint Plan, how could industry capability be utilized?

Amendments to the Canada Shipping Act in 1993, followed by Regulations and Standards in 1995, provided for an oil spill regime in Canada that involved industry and government working together to provide an enhanced response capability. The regime was designed to create industry owned oil spill response companies, which could obtain funding through the levy of fees. The intention was to transfer response primarily to industry. Government was to assume the role of certifying and regulating these companies, as well as monitoring response to spills, while maintaining the authority to take over response should they decide that to be necessary. The Canadian Government has subsequently moved to reduce its response capability. For spills in the Maritimes Region since 1995, either the polluters have responded themselves or with a contractor, sometimes hiring a Response Organization. When Coast Guard responded, they sometimes hired small local contractors.

Design Team Point of Contact

Name: Faye Campbell **Phone:** (902)426-6015 **Email:** campbellf@mar.dfo-mpo.gc.ca

CANUSLANT 2002

June 25 - 27, 2002

St. Andrews, New Brunswick

Issue Paper

Topic

Salvage / Jones Act

Assigned Discussion Group

Joint Response Team Issues Group **AND** On-Scene Coordinator/Commander

Issue

Laws in the U.S. and Canada limit use of foreign flag vessels in domestic service. Use of foreign flag vessels may be necessary to expedite salvage (to reduce pollution) or skimming. The current CANUSLANT geographic annex offers limited information on this topic.

1. Does the current CANUSLANT geographic annex adequately detail procedures for use of salvage/ship rescue purposes? For oil spill response vessels? [JRT]
2. Will the expedited waiver procedures under development qualify as "reciprocal privileges"? [JRT]
3. How should current U.S. work on salvage and oil spill response vessel exemption procedures be captured in the geographic annex? [JRT]
4. How great are the non-domestic vessel needs for oil removal? For salvage? How much should be captured in the operational annex (versus in domestic plans)? [OSC]
5. Are the needs for rapid response, large-scale response (third tier) or both? What is the planning priority for further Annex work? [OSC]

Background

The current CANUSLANT Geographic Annex contains citations and brief descriptions of authorities on operation of oil spill response vessels of U.S. or Canadian flag in the other country, as well as for salvage of vessels in distress in Canada by U.S. vessels, provided reciprocal privilege exists in the U.S. However, details on specific salvage privileges or waivers in the U.S. are not documented in the CANUSLANT Geographic Annex. Laws specific to Canadian vessels rendering assistance exist for specific areas of the Great Lakes in the U.S., and waivers exist in cases related to national defense. Agreements are currently in process between the U.S. Coast Guard, U.S. Maritime Administration, and U.S. Customs Service to expedite Jones Act exemptions for use of foreign oil spill response vessels or salvage vessels using the appropriate oil spill response vessel provision (Snowe amendment, Section 117 of Public Law 104-324) and salvage waivers provided for in U.S. law (46 U.S.C. 316(d); 19 CFR 4.97). The results of this agreement, as well as any detailed procedures available for Canada should be included in the CANUSLANT Geographic Annex to expedite the processes allowed by the currently documented laws or regulations to ensure rapid response when needed.

Design Team Point of Contact

Name: Scott Lundgren, USCG D1 **Phone:** 617-223-8434 **Email:** Slundgren@d1.uscg.mil

CANUSLANT 2002

June 25 - 27, 2002

St. Andrews, New Brunswick

Issue Paper

Topic

Wildlife Response – Do we treat?

Assigned Discussion Group

Joint Environmental Section / Joint Response Team

Issue

1. What are the priorities during oiled wildlife response situations?
2. What wildlife response capabilities (staff, facilities, and equipment) are required/expected?
3. What are the response policy and priority conflicts between Canada and the U.S. (rehabilitation or euthanization)?
4. What are the requirements for expedient and capable response?

Background

Oiled wildlife response capabilities on the east coast of Canada are limited to the Canadian Wildlife Services' administration of the Migratory Birds Convention Act which requires the management and conservation of migratory bird populations as well as the responsibility of endangered species under the federal Species at Risk Act. The Canadian Wildlife Act broadens this responsibility providing mechanisms for habitat and all wildlife conservation.

To date CWS uses the 'time to recovery' criteria, which essentially dictate response priorities, based on species abundance and population re-establishment time. During a response situation CWS may require specific actions from response organizations but at minimum must provide approval for all initiatives taken by agencies, organizations and individuals with regard to migratory birds including prevention of further oiling, salvage of birds, euthanization or cleaning.

Design Team Point of Contact

Name: Susan Farquharson **Phone:** (506) 755-6001 **Email:** ecwinc@nbnet.nb.ca